

FILED

JUN -8 2011

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AULDEN BADENHOP,

Defendant.

No. CR 10-00701 MMC

~~PROPOSED~~ STIPULATED
ORDER MODIFYING
CONDITIONS OF PRETRIAL
RELEASE

The defendant Aulden Badenhop has entered a plea of guilt to conspiracy to distribute marijuana. In a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, the parties in the *Badenhop* matter jointly recommend a non-custodial sentence that involves a term of home confinement. Sentencing is scheduled before the Honorable Maxine M. Chesney on August 10, 2011.

On January 13, 2011 the Honorable James Larson modified Mr. Badenhop's conditions of pretrial release to permit him to leave a halfway house and to reside with his wife. These modified pretrial release conditions required Mr. Badenhop's wife to act as a custodian and surety. In addition, Mr. Badenhop was placed on electronic monitoring.

There have been no reports of any violations of pretrial release since Mr. Badenhop's

1 initial appearance. Unfortunately, however, since his last appearance before Judge Larson the
2 defendant and his wife have experienced marital difficulties. The couple wish to have a trial
3 separation before deciding whether to initiate divorce proceedings. The defendant's wife also
4 wishes to be removed from the bond as surety and custodian.

5 In light of these marital difficulties, Mr. Badenhop hopes to move into an apartment in
6 Auburn, in the Eastern District of California. Mr. Badenhop has been lived in, and been
7 supervised in, the Eastern District since his initial appearance on this matter. He has secured
8 work that is roughly thirteen miles away from this apartment.

9 In light of Mr. Badenhop's lack of criminal history, history of compliance with the
10 conditions of pretrial release, and anticipated upcoming sentence of home confinement (with
11 the ability to continue working), the defense asks that the conditions of pretrial release be
12 modified to remove his wife Stephanie Badenhop from the bond as surety and custodian, to
13 lift the condition of electronic monitoring, and to allow him to move to Auburn. The
14 government has no objection to these requests.

15 Therefore, for good cause shown, Aulden Badenhop's conditions of pretrial release are
16 modified as follows:

- 17 1. Mr. Badenhop's wife, Stephanie Badenhop, is removed as custodian and surety on his
18 bond;
- 19 2. The condition of electronic monitoring is lifted;
- 20 3. Mr. Badenhop shall be permitted to move into a new residence, but shall first inform
21 Pretrial Services in the Eastern District of California of the address of the residence;

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2 4. All other conditions of pretrial release shall remain in effect.
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4 IT IS SO ORDERED.

5 June 8, 2011
6 Dated

Elizabeth Laporte
ELIZABETH LAPORTE
United States Magistrate Court Judge

7
8
9 June 7, 2011
10 DATED

/s
MELINDA HAAG
United States Attorney
Northern District of California
KEVIN BARRY
Assistant United States Attorney

11
12
13 June 7, 2011
14 DATED

/s
BARRY J. PORTMAN
Federal Public Defender
Northern District of California
STEVEN G. KALAR
Assistant Federal Public Defender